

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN

In Re:

TIMOTHY ROBERT FORE and  
PATTI JO FORE,

Debtors.

Case No. 06-5842-jrh  
Chapter 7 filed: 11/14/06  
Hon. Jeffrey R. Hughes

MACATAWA BANK,

Plaintiff,

v

TIMOTHY R. FORE,

Defendant.

Adversary Proceeding No: 07-80081

**ANSWER TO COMPLAINT TO DETERMINE DISCHARGEABILITY OF CLAIM**

NOW COMES Defendant Timothy R. Fore, by and through his attorneys, Wardrop & Wardrop, P.C., and for his Answer to the Complaint to Determine Dischargeability of Claim states as follows:

1. The allegations contained in Paragraph 1 are admitted.
2. The allegations contained in Paragraph 2 are admitted.
3. Paragraph 3 sets forth a conclusion of law for which no answer is required. To the extent allegations of fact are made, the same are admitted.
4. Paragraph 4 sets forth a conclusion of law for which no answer is required. To the extent allegations of fact are made, the same are admitted.
5. Paragraph 5 sets forth a conclusion of law for which no answer is required. To the extent allegations of fact are made, the same are admitted. It is admitted that this is a core proceeding.
6. Paragraph 6 sets forth a conclusion of law for which no answer is required. To the extent allegations of fact are made, the same are admitted.

**GENERAL ALLEGATIONS**

7. Defendant incorporates by reference his Answers to Paragraphs 1 through 6 above as if fully set forth.
8. The allegation contained in Paragraph 8 is neither admitted or denied. However, Defendant believes that the allegation is essentially correct.
9. The allegations contained in Paragraph 9 are neither admitted or denied for the reason that this Defendant does not know the balances due and owing and whether or not any and all amounts are correct.
10. The allegations contained in Paragraph 10 are neither admitted nor denied and Plaintiff is left to its strict proofs.
11. In response to Paragraph 11 it is not known what the Bank is informed and believed. However, to the extent allegation of fact regarding materially false information are alleged, Defendant denies the allegation. Defendant does admit that there was some inaccurate information contained in the financial statements and states that the inclusion of such information was not intended to mislead the Bank.
12. The allegations contained in Paragraph 12 are neither admitted nor denied and Plaintiff is left to its proofs to establish the same.
13. The allegations contained in Paragraph 13 are denied for the reason they are untrue.

WHEREFORE, Defendant prays that the Court deny the relief sought by the Plaintiff, Macatawa Bank, and requests dismissal of this Adversary Proceeding or that a Judgment of No Cause of Action be entered.

Respectfully submitted,

WARDROP & WARDROP, P.C.

Dated: April 12, 2007

By: /s/ Denise D. Twinney  
Robert F. Wardrop, II (P31639)  
Denise D. Twinney (P40735)  
300 Ottawa Avenue, N.W. Ste 150  
Grand Rapids, MI 49503  
(616) 459-1225

**AFFIRMATIVE DEFENSES**

NOW COMES Defendant Timothy R. Fore, by and through his attorneys, Wardrop & Wardrop, P.C., and states that he may rely on one or more of the following Affirmative Defenses in this matter:

1. Failure to State a Claim. Plaintiff has failed to state a claim in whole or in part upon which relief may be granted.
2. Excuse or Justification. Defendant may rely on the Affirmative Defenses of excuse or justification.
3. Estoppel. The doctrine of estoppel precludes Plaintiff from asserting its claim.
4. Other. Defendant reserves the right to assert such other and further Affirmative Defenses that become known to him during the course of discovery in this matter.

Respectfully submitted,

WARDROP & WARDROP, P.C.

Dated: April 12, 2007

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